

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NATALIE JOHNSON,

Plaintiff,

v.

ORDER

19-cv-760-wmc

C.R. BARD INC. and  
BARD PERIPHERAL VASCULAR INC.,

Defendants.

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Before the court is the parties' request for ruling on objections to certain deposition designations as to Janet Hudnall.

DEPONENT	PL AFFIRM	DEF OBJECTIONS	PL RESPONSE TO OBJECTIONS	COURT RULING
Hudnall, Janet 11/01/2013		Bard objects to the playing of this deposition under Rules 401, 402 and 403. Ms. Hudnall is a former marketing manager who left Bard in 2008, before the development of the Meridian filter. Bard objects to Plaintiff's references to "Admitted in the Peterson case" as a basis for allowing a designation to played, or overruling an objection, and submits that the testimony should be consider based on the facts and applicable law and rulings in this case. The Peterson case involved a different filter,	Bard chose to market the Meridian filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Meridian trace their design history to the Recovery filter and the defects in the Meridian design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2 and Eclipse filters' complications, testing, warnings and design are relevant and are not unfairly prejudicial. Judge Campbell agreed with this position in Jones v. Bard.	OVERRULED

		different claims, and was decided under different state law.	[MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mrs. John has experienced tilt, migration, perforation, and fracture of her filter with pieces of the device embolizing to her heart. She is still at risk for death or serious injury in the future.	
Hudnall, Janet 11/01/2013	5:20-5:22		Admitted in Peterson	
Hudnall, Janet 11/01/2013	21:02-21:07		Admitted in Peterson	
Hudnall, Janet 11/01/2013	21:12-21:14		Admitted in Peterson	
Hudnall, Janet 11/01/2013	30:24-31:18		Admitted in Peterson	
Hudnall, Janet 11/01/2013	31:25-32:06		Admitted in Peterson	
Hudnall, Janet 11/01/2013	53:12-53:20 beginning with "And as..."		Admitted in Peterson	
Hudnall, Janet 11/01/2013	54:20-55:08		Admitted in Peterson	
Hudnall, Janet 11/01/2013	56:02-56:08		Admitted in Peterson	

Hudnall, Janet 11/01/2013	56:15- 56:23		Admitted in Peterson	
Hudnall, Janet 11/01/2013	57:08- 57:12		Admitted in Peterson	
Hudnall, Janet 11/01/2013	57:14- 57:16		Admitted in Peterson	
Hudnall, Janet 11/01/2013	91:06- 91:08 beginning with "Exhibit 20..."	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This case does not involve the Recovery Filter.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is	OVERRULED

			relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	92:24- 93:10	Rules 401, 402 & 403- Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This case does not involve the Recovery Filter.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge	OVERRULED

			and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	99:01-100:05	Rules 401, 402 & 403- Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This case does not involve the Recovery Filter. If testimony is added, counters at page 100 are necessary for completeness and will not make sense out of context.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge	OVERRULED

			and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. FRCP 32(6) AND FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation. The testimony concerns a new line of questioning. Defendants can include it in their cross.	
Hudnall, Janet 11/01/2013	163:07-163:21		Admitted in Peterson	
Hudnall, Janet 11/01/2013	166:06-166:11	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03	OVERRULED

			Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	168:18- 169:02	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This testimony is about a G2 brochure developed years before the Meridian was on the market. There is a separate Meridian patient brochure, in which it is recommended that patients have the filter retrieved when it is no longer indicated. This serves no purpose other than to mislead and prejudice the jury as it was not the information in use at the time Ms. Johnson's filter was implanted.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge	OVERRULED

			and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	169:18-170:18	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard’s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect. This testimony is about a G2 brochure developed years before the Meridian was on the market. There is a separate Meridian patient brochure, in which it is recommended that patients have the filter retrieved when it is no longer indicated. This serves no purpose other than to mislead and prejudice the jury as it was not the information in use at the time Ms. Johnson’s filter was implanted.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge	OVERRULED



			and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	170:20- 170:25	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard’s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect. This testimony is about a G2 brochure developed years before the Meridian was on the market. There is a separate Meridian patient brochure, in which it is recommended that patients have the filter retrieved when it is no longer indicated. This serves no purpose other than to mislead and prejudice the jury as it was not the information in use at the time Ms. Johnson’s filter was implanted.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge	OVERRULED

			and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	171:02-171:19	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard’s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect. This testimony is about a G2 brochure developed years before the Meridian was on the market. There is a separate Meridian patient brochure, in which it is recommended that patients have the filter retrieved when it is no longer indicated. This serves no purpose other than to mislead and prejudice the jury as it was not the information in use at the time Ms. Johnson’s filter was implanted.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge	<b>OVERRULED</b> as to 171:02-:03, but otherwise <b>SUSTAIN</b>

			and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	178:09- 178:19	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge	OVERRULED

			and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	179:02-180:12	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard’s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect. If testimony is allowed counters at 181 are necessary for completeness and will not make sense out of context.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	OVERRULED

			thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	185:10-186:03	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard’s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect. If this testimony is allowed, counters at 186 are necessary for completeness.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	OVERRULED

			thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	186:18- 187:02	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect. If the testimony is allowed, counters at 187 re necessary fro completeness.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, compaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	SUSTAIN

			thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	187:15- 187:18	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	SUSTAIN

			thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	188:06-188:09	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard’s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect. This all relates to marketing and alleged bad acts of the Recovery filter, and serves no purpose except to confuse and prejudice the jury. Ms. Hudnall was not involved in the marketing of the Meridian filter. If the testimony is allowed the counters on 188-189 are necessary for completeness.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	SUSTAIN



			thereon. The testimony is relevant to the warning and design defect claims.	
Hudnall, Janet 11/01/2013	226:15-226:21	<p>Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard’s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect. Rules 601/602 &amp; 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.</p>	<p>Admitted in Peterson Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based</p>	OVERRULED

			<p>thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter. The Federal Rules of Evidence do not prohibit a party from questioning witnesses about admissible documents the witness does not recall having seen before. “Personal knowledge of a fact ‘is not an absolute’ to Rule 602's foundational requirement . . . .”, United States v. Cuti, 702 F.3d. 453, 459 . “What if you had known “ questions are acceptable. Id. at 459.</p>	
<p>Hudnall, Janet 11/01/2013</p>	<p>227:16- 227:25</p>	<p>This all realtes to alleged Recovery bad acts and serves no purpose other than to confuse and prejudice the jury. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard’s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect. Rules 601/602 &amp; 612. Witness does not have personal knowledge of document.</p>	<p>The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, compaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her</p>	<p><b>OVERRULED</b></p>

		<p>Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.</p>	<p>background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.</p>	
<p>Hudnall, Janet 11/01/2013</p>	<p>316:09-316:17 beginning with "If you..."</p>	<p>This testimony relates to the Recovery filter only. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.</p>	<p>Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge</p>	<p><b>OVERRULED</b></p>

			and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	316:19-316:25 beginning with "Do you..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge	OVERRULED

			and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	317:01- 317:09 beginning with "Just looking..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility,	SUSTAIN

			as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	317:11-317:13 beginning with "Looking at..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility,	SUSTAIN

			as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	318:02-318:06		Admitted in Peterson	
Hudnall, Janet 11/01/2013	340:03-340:08 beginning with "Do you..."	The question is not evidence. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for	SUSTAIN

			the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	340:11 beginning with "I have..."	The question is not evidence. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	SUSTAIN



			<p>thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter. The Federal Rules of Evidence do not prohibit a party from questioning witnesses about admissible documents the witness does not recall having seen before. "Personal knowledge of a fact 'is not an absolute' to Rule 602's foundational requirement . . . .", United States v. Cuti, 702 F.3d. 453, 459 . "What if you had known " questions are acceptable. Id. at 459.</p>	
<p>Hudnall, Janet 11/01/2013</p>	<p>342:23-343:14 beginning with "You telling..." <b>REDACT - "including death" from 343:10</b></p>	<p>This violates the Court's ruling on Recovery migration deaths. The testimony is about the recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect.</p>	<p>The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.</p>	<p><b>OVERRULED</b> with redaction.</p>

			The testimony does not violate the Court's ruling as it discuss the general risks related to filters "including death" not the cephalad migration death attributed to the Recovery filter, however the Plaintiff will redacted the words "including death" from the testimony being offered.	
Hudnall, Janet 11/01/2013	348:19-348:23 beginning with "Why weren't..."	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402 & 403- Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, compaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	OVERRULED

			thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	348:25-349:02 beginning with "Well..."	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402 & 403- Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	OVERRULED

			thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	349:04-349:19	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402 & 403- Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	OVERRULED

			thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	358:05-358:15 beginning with "You were..."	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	OVERRULED

			thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	359:07-359:13 beginning with "Okay."	This violates the Court's ruling on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This case does not involve a fatal migration or a Recovery Filter. This testimony is overly prejudicial and has no bearing on the facts of this case. The Court has ruled this testimony is not substantially similar to the facts in this case and, therefore, should be excluded. (See ECF No. 204, p. 3-5.)	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	OVERRULED

			thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter. The testimony is relevant to the design defect, negligence and failure to warn claims and is not unfairly prejudicial.	
Hudnall, Janet 11/01/2013	359:16-359:18 beginning with "Isn't that..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge	OVERRULED

			and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	359:20-360:08 beginning with "When it..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	OVERRULED



			thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	360:10-360:12 beginning with "Yes."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	<b>OVERRULED</b> as to "Yes." <b>SUSTAINED</b> as to lines 11-14.

			thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	360:14 beginning with "Okay."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	SUSTAIN

			thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	361:08- 361:11 beginning with "The..."	This violates the Court's ruling on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This case does not involve a fatal migration or a Recovery Filter. This testimony is overly prejudicial and has no bearing on the facts of this case. The Court has ruled this testimony is not substantially similar to the facts in this case and, therefore, should be excluded. (See ECF No. 204, p. 3-5.)	Ms. Hudnall was a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). The testimony is relevant to the warnings, negligence and design defect claims. The testimony does not violate the Courts MIL ruling as the testimony does not refer to the the Recovery 's cephalad migration deaths, in fact the testimony is about the	SUSTAIN

			G2. (358:05-358:15). The testimony is not unfairly prejudicial.	
Hudnall, Janet 11/01/2013	361:13-361:14 beginning with "Would you..."	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This case does not involve a fatal migration or a Recovery Filter. This testimony is overly prejudicial and has no bearing on the facts of this case. The Court has ruled this testimony is not substantially similar to the facts in this case and, therefore, should be excluded. (See ECF No. 204, p. 3-5.)	Ms. Hudnall was a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). The testimony is relevant to the warnings, negligence and design defect claims. The testimony does not violate the Courts MIL ruling as the testimony does not refer to the the Recovery 's cephalad migration deaths, in fact the testimony is about the G2. (358:05-358:15). The	SUSTAIN

			testimony is not unfairly prejudicial	
Hudnall, Janet 11/01/2013	361:17 beginning with "They are..."	This violates the Court's ruling on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This case does not involve a fatal migration or a Recovery Filter. This testimony is overly prejudicial and has no bearing on the facts of this case. The Court has ruled this testimony is not substantially similar to the facts in this case and, therefore, should be excluded. (See ECF No. 204, p. 3-5.)	Ms. Hudnall was a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). The testimony is relevant to the warnings, negligence and design defect claims. The testimony does not violate the Courts MIL ruling as the testimony does not refer to the the Recovery 's cephalad migration deaths, in fact the testimony is about the G2. (358:05-358:15). The	SUSTAIN

			testimony is not unfairly prejudicial	
Hudnall, Janet 11/01/2013	370:16-370:22 beginning with "Would it..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is	SUSTAIN

			relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
Hudnall, Janet 11/01/2013	370:24-370:25 beginning with "I can't..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the G2X, both of which are essentially the same design as the Meridian and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based	OVERRULED

			thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.	
DEPONENT	DEF COUNTER	PL OBJECTIONS	DEF RESPONSE TO OBJECTIONS	COURT RULING
Hudnall, Janet 11/01/2013	100:06- 101:03			
Hudnall, Janet 11/01/2013	108:02- 108:08			
Hudnall, Janet 11/01/2013	108:10- 108:11			
Hudnall, Janet 11/01/2013	136:13- 136:25			
Hudnall, Janet 11/01/2013	138:13- 139:02			
Hudnall, Janet 11/01/2013	142:21- 143:15			
Hudnall, Janet 11/01/2013	147:11- 148:11			
Hudnall, Janet 11/01/2013	148:20- 148:25			
Hudnall, Janet 11/01/2013	181:01- 181:23			



	begin at I showed			
Hudnall, Janet 11/01/2013	186:04-186:17	FRE 403: Misleading and confusing; optional completeness: delete 186:4-5 or add 185:25-186:3 so the context of 186:4-5 is clear.	185:25-186:3 is already contained in Plaintiff's affirmative designations. Indeed, this is a designation meant to counter that, and other, testimony.	OVERRULED, except delete line 12.
Hudnall, Janet 11/01/2013	187:10-187:14 begin at No one			
Hudnall, Janet 11/01/2013	188:11-188:12	FRE 403: Misleading and confusing: "I'm sorry" is not a question. This is not proper testimony.	Plaintiff's counsel asked a question in follow up to another question, which garnered a response from the witness. "I'm sorry" in this context is reasonably read as asking the witness to restate or clarify her response, which the witness did.	SUSTAIN
Hudnall, Janet 11/01/2013	188:18-189:03			
Hudnall, Janet 11/01/2013	193:06-193:12			
Hudnall, Janet 11/01/2013	195:10-196:06			STRIKE "But they" at 196:05 and all of 196:06.
Hudnall, Janet 11/01/2013	349:22-350:02	FRE 401, 402, 403: Statement of attorney is followed by a statement from the witness, but no question was asked. Not proper testimony/evidence. FRE 701 (opinion by lay witness based on scientific, technical or other specialized knowledge).	Plaintiff's counsel's words can reasonably be read to be eliciting a statement from the witness. Indeed, even a cursory reading of this deposition indicates that this tactic is used throughout. Plaintiff cannot now complain of her own counsel's tactics when they elicit a response she does not prefer.	OVERRULED

Hudnall, Janet 11/01/2013	350:04- 350:05	FRE 401, 402, 403: Statement of attorney is followed by a statement from the witness, but no question was asked. Not proper testimony/evidence. FRE 701 (opinion by lay witness based on scientific, technical or other specialized knowledge).	Plaintiff's counsel's words can reasonably be read to be eliciting a statement from the witness. Indeed, even a cursory reading of this deposition indicates that this tactic is used throughout. Plaintiff cannot now complain of her own counsel's tactics when they elicit a response she does not prefer.	OVERRULED
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Accordingly, IT IS ORDERED that the parties' request for rulings on objections to certain designations is GRANTED, and the objections are sustained in part and overruled in part as provided above.

Entered this 4th day of June, 2021.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge